

## LATHAM & WATKINS

PAUL R. WATKINS (1899-1973)  
DANA LATHAM (1898-1974)

CHICAGO OFFICE  
SEARS TOWER, SUITE 5800  
CHICAGO, ILLINOIS 60606  
TELEPHONE (312) 876-7700  
FAX (312) 993-9767

LONDON OFFICE  
ONE ANGEL COURT  
LONDON EC2R 7HJ ENGLAND  
TELEPHONE + 44-171-374 4444  
FAX + 44-171-374 4460

LOS ANGELES OFFICE  
633 WEST FIFTH STREET, SUITE 4000  
LOS ANGELES, CALIFORNIA 90071-2007  
TELEPHONE (213) 485-1234  
FAX (213) 891-8763

MOSCOW OFFICE  
113/1 LENINSKY PROSPECT, SUITE C200  
MOSCOW 117198 RUSSIA  
TELEPHONE + 7-503 956-5555  
FAX + 7-503 956-5556

ATTORNEYS AT LAW  
1001 PENNSYLVANIA AVE., N.W., SUITE 1300  
WASHINGTON, D.C. 20004-2505  
TELEPHONE (202) 637-2200  
FAX (202) 637-2201  
TLX 590775  
ELN 62793269

NEW JERSEY OFFICE  
ONE NEWARK CENTER  
NEWARK, NEW JERSEY 07101-3174  
TELEPHONE (201) 639-1234  
FAX (201) 639-7298

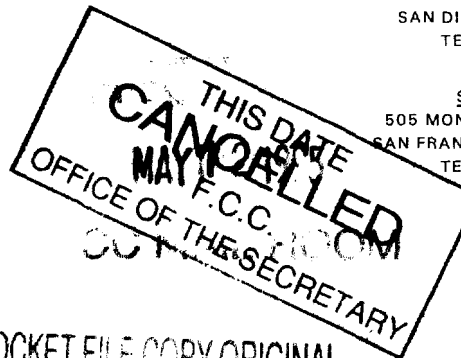
NEW YORK OFFICE  
885 THIRD AVENUE, SUITE 1000  
NEW YORK, NEW YORK 10022-4802  
TELEPHONE (212) 906-1200  
FAX (212) 751-4864

ORANGE COUNTY OFFICE  
650 TOWN CENTER DRIVE, SUITE 2000  
COSTA MESA, CALIFORNIA 92626-1925  
TELEPHONE (714) 540-1235  
FAX (714) 755-8290

SAN DIEGO OFFICE  
701 "B" STREET, SUITE 2100  
SAN DIEGO, CALIFORNIA 92101-8197  
TELEPHONE (619) 236-1234  
FAX (619) 696-7419

SAN FRANCISCO OFFICE  
505 MONTGOMERY STREET, SUITE 1900  
SAN FRANCISCO, CALIFORNIA 94111-2562  
TELEPHONE (415) 391-0600  
FAX (415) 395-8095

May 11, 1995



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### BY HAND

John A. Karousos  
Federal Communications Commission  
Mass Media Bureau  
2000 M Street, NW, Room 554  
Washington, DC 20554

RECEIVED  
MAY 11 '95  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE  
SECRETARY

Re: Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Albion, Nebraska, MM Docket No. 94-143)

Dear Mr. Karousos:

This is written on behalf of Citadel Communications Co., Ltd. ("Citadel"), licensee of Station KCAN, Nebraska, concerning a notice issued by your office on May 8, 1995 with respect to the above-referenced proceeding. See Public Notice, Application for Review of Action in Rulemaking Proceeding (Report No. 2071) (the "Notice") (attached hereto).

The Notice correctly reports that an *application for review* was filed in Docket 94-143. However, it incorrectly applies the Commission's rules concerning *petitions for reconsideration* to that filing. Section 1.115 of the Commission's rules, which governs applications for review (including those concerning allotment rulemaking proceedings) provides that oppositions to an application for review may be filed within 15 days "*after the application is filed.*" 47 CFR § 1.115(d) (emphasis added). "[R]eplies to oppositions shall be filed *within 10 days after the opposition is filed . . .*" *Id.* (emphasis added).

Citadel filed its opposition to the application for review filed in this matter on April 27 with service copies sent by mail. Accordingly, pursuant to Sections 1.115(d) and 1.4 of the rules, any reply to the opposition is due today. The Notice incorrectly relies on

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Section 1.429(e) of the rules, which does not apply to applications for review, in stating that the pleading cycle is tolled from publication of a notice in the Federal Register.

As the Commission has been previously advised, action on this matter in conjunction with Docket 91-304 is necessary well before June 30, 1995 to avoid the expiration of rights necessary to bring a first competitive television service to Lincoln, Nebraska. Accordingly, we respectfully request that you withdraw the Notice and make clear that Section 1.115(d) of the rules governs the pleading cycle in this matter. This will not prejudice Busse Broadcasting (the filer of the application for review). A full ten days -- the period afforded by the rules for oppositions -- passed prior to the issuance of the erroneous Notice, which Busse had no right to expect the Commission would issue. However, in light of any confusion that may have been caused by the Notice, Citadel is willing to consent to an extension of time to file a reply through May 12.

Citadel respectfully requests that you act immediately on this matter.

Sincerely,



Kevin C. Boyle  
Steven H. Schulman\*  
of LATHAM & WATKINS

cc: Andrew J. Rhodes (by hand)  
Robert Hayne (by hand)  
Roy J. Stewart (by hand)  
Neal J. Friedman (by hand)  
Eric L. Bernthal  
Philip J. Lombardo  
Raymond Cole  
Kim Cleaver

\* Admitted in Maryland only



# PUBLIC NOTICE

**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

53777

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**News media information 202/418-0500. Recorded listing of releases and texts  
202/418-2222.**

REPORT NO. 2071

May 8, 1995

**APPLICATION FOR REVIEW OF ACTION IN RULEMAKING PROCEEDING**

Application for review have been filed in the Commission rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857-3800. Opposition to this petition must be filed within 15 days of the date of public notice of the petition in the Federal Register. See Section 1.4(b) (1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

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SUBJECT: In the Matter of Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations. (Albion, Nebraska) (MM Docket No. 94-143)

FILED BY: Neal J. Friedman, Attorney for Busse Broadcasting Corporation on 04-20-95.